

Customer No. 24024

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 24 2005

In re application of:

Galloway et al.

Serial No.: 09/747,521

Filed: December 21, 2000

For: **METHODS FOR PROTECTING
AGAINST LETHAL INFECTION
WITH *BACILLUS ANTHRACIS***

Examiner: Shahnan Shah, Khatol S.

Art Unit: 1645

Date of Mailing of Notice of
Allowance: January 12, 2005

Confirmation Number: 9991

Attorney Docket No.: 22727/04079

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
FAX: 703-305-4257

**PETITION TO WITHDRAW FROM ISSUE--ISSUE FEE
PAID--TO PERMIT CONSIDERATION OF A REQUEST
FOR CONTINUED EXAMINATION (RCE) HAVING AN
INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.313(c)(2))**

Dear Sir:

Applicant hereby petitions for the withdrawal of the above-referenced application from issue. The issue fee for this case was paid on April 11, 2005.

The application has not yet been scheduled to issue.

The reason for the request for withdrawal from issue of this application is for consideration of a request for continued examination ("RCE") having a supplemental information disclosure statement ("IDS"). 37 C.F.R. § 1.313(c)(2).

An RCE having an IDS is being filed with this Petition. This withdrawal from issuance is being requested so that the PTO will be able to consider the references in the supplemental IDS accompanying the RCE. Applicant received an European Search Report mailed May 6, 2005 in a related European application (00990284.2). A copy of this report is enclosed for the Office's convenience. Please note that U.S. Patent No. 5,840,312, included herewith, is listed on

the Annex to the Search Report as a family member of WO 92/19720, which is cited in the Search Report. The U.S. Patent is also provided for the Office's convenience.

Please charge Deposit Account 03-0172, for the petition fee of \$130.00 and the RCE fee of \$770.00, as set forth in 37 C.F.R. §1.17(e) & (h).

It is believed that no additional fees are due with this petition; however, if any additional fees are due in this matter, please charge same to Deposit Account No. 03-0172.

If you have any questions, please do not hesitate to contact Applicant's attorney below.

Respectfully submitted,
CALFEE, HALTER & GRISWOLD LLP

Date:

May 23, 2005

Joan N. Drew
By: Joan N. Drew
Reg. No. 52,364